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August 2, 2023

Via ECF

The Honorable Georgette Castner
United States District Court, District of New Jersey
Clarkson S. Fisher Federal Building and
United States Courthouse
402 East State Street Trenton, NJ 08608

**Re: *Kumar, et al. v. Bochasanwasi Shri Akshar Purushottam Swaminarayan
Sanstha, Inc., et al.*, No. 21-CV-11048**

Dear Judge Castner:

As an initial matter, we offer our sincere apologies for addressing our earlier letter in this case to Judge Thompson rather than to Your Honor.

We write to briefly respond to the July 24, 2023 letter from Mr. Fishman, counsel for most Defendants in this case, in advance of the August 10th conference scheduled with the Court. Specifically, we note that Defendants gloss over a significant irregularity in the submission from purported new counsel for the twelve class representatives. While Mr. Soni contends that the twelve Plaintiffs wish to withdraw from the case because they now believe the claims¹ are “totally false,” the documents allegedly signed by the twelve Plaintiffs only direct that we “Please take the necessary steps to withdraw *as our counsel* in these matters” and state that the twelve Plaintiffs “will engage in another attorney to represent us in this matter.” ECF No. 34-1 at 4 (emphasis added).

Second, Defendants contend that the twelve Plaintiffs have given “clear instructions to dismiss them as Plaintiffs,” but that is not so. We have received no clear or direct instructions from

¹ Plaintiffs allege that they and the putative class members were, among other things, subject to forced labor by Defendants, and paid well below the state and federal minimum wage for their work. There is an ongoing government investigation arising out of the same or substantially similar occurrences as those in this civil case; the civil case has been stayed pursuant to the automatic stay provision of the Trafficking Victims Protection Act (“TVPA”), 18 U.S.C. § 1595(b)(1).

the twelve Plaintiffs, but have only received instructions from Mr. Soni, a foreign-based attorney not admitted in this jurisdiction, who claims to speak for them. We have been unable to confirm our clients' wishes directly in light of Mr. Soni's instructions to refrain from contacting our clients without his permission, and our understanding of our ethical obligations not to directly contact individuals who are represented by other counsel in a matter. *See* N.J. R.P.C. 4.2.

Third, our request for this Court's intervention now is directly in line with our ethical obligations to our clients and to this Court, and is not "intrusive, burdensome, and unwarranted discovery," as Defendants contend. However, should the Court find that our requested discovery is not warranted at this time, we would in the alternative ask that the Court issue an order authorizing us to directly communicate with the twelve Plaintiffs in order to determine their wishes with respect to this litigation. *See* Comment 6 to ABA Model Rule 4.2 ("A lawyer who is uncertain whether a communication with a represented person is permissible may seek a court order. A lawyer may also seek a court order in exceptional circumstances to authorize a communication that would otherwise be prohibited by this Rule . . .").

We thank the Court for its attention to this matter.

Respectfully submitted,

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